

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SARA ANN WALKER,

Plaintiff(s),

v.

THE INTERNATIONAL CITY
MANAGEMENT ASSOCIATION
RETIREMENT COMPANY,

Defendant(s).

CASE NO. C23-5488-KKE

ORDER DENYING PLAINTIFF'S
MISCELLANEOUS MOTIONS

On July 8, 2024, Defendant filed a motion for summary judgment in this matter. Dkt. No. 42. Plaintiff filed an opposition and Defendant filed a reply, and the motion was ripe on August 5, 2024. Dkt. Nos. 46, 47. The Court scheduled oral argument on the motion for September 5, 2024. Dkt. No. 45. Trial is set for November 4, 2024. Dkt. No. 33.

On August 23, 2024, Plaintiff filed a motion to continue the September 5 hearing along with a motion for leave to amend the complaint, indicating that she would be prejudiced if the Court ruled on the summary judgment motion before providing her an opportunity for her motion for leave to amend to be heard. Dkt. Nos. 49, 50. Plaintiff's motions represent that Defendant failed to answer the complaint, and that she cannot fully respond to Defendant's motion for summary judgment without amending her complaint. *Id.*

1 At the outset, the Court notes that Plaintiff is incorrect that Defendant has failed to answer
2 the complaint. *See* Dkt. No. 24 (Defendant's September 11, 2023 answer). Moreover, Plaintiff's
3 motion for leave to amend the complaint fails to address the requirements of either Federal Rule
4 of Civil Procedure 16 (which governs amendments to a case schedule, which applies because the
5 deadline to amend the pleadings is long past (Dkt. No. 33 (setting the deadline for December 19,
6 2023)) or Federal Rule of Civil Procedure 15 (which governs amended pleadings).

7 Because Plaintiff's motions misrepresent the record and fail to address the rules applicable
8 to the relief requested, the Court DENIES the motion to continue (Dkt. No. 49) and DENIES
9 without prejudice the motion for leave to amend the complaint (Dkt. No. 50). The parties are
10 ORDERED to appear for the hearing scheduled for September 5, 2024, where the Court will hear
11 argument on the pending motion for summary judgment. If Plaintiff orally renews the motion for
12 leave to amend the complaint at that hearing, the parties will have the opportunity to present
13 argument on that motion at that time as well. Because, as Plaintiff explained (Dkt. No. 50 at 2),
14 the amendments that Plaintiff proposes relate to the issues presented in Defendant's summary
15 judgment motion, it serves judicial economy to address these issues together at the hearing.

16 Dated this 26th day of August, 2024.

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19 Kimberly K. Evanson
20 United States District Judge
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